

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated September 1, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 and 21-22 are pending in this application. Claims 1, 10 and 16 are independent claims.

In the Office Action, claims 1-7 and 9-18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,614,906 to Hayes ("Hayes") in view of U.S. Patent No. 6,133,909 to Schein ("Schein"). Claim 8 is rejected under 35 U.S.C. §103(a) over Hayes in view of Schein in further view of U.S. Patent Publication No. 2001/0017615 to Lin ("Lin"). Claims 21-22 are rejected under 35 U.S.C. §103(a) over Hayes in view of Schein in further view of U.S. Patent No. 5,457,478 to Frank ("Frank"). The rejection of claims 1-18 and 21-22 is respectfully traversed. It is respectfully submitted that claims 1-18 and 21-22 are allowable over Hayes, Schein, Lin, and Frank for at least the following reasons.

Hayes describes a "method for selecting a command set from a group of command sets stored in the remote control." (See the Abstract). Similar to claim 1, Hayes describes a group of command

sets. However, contrary to claim 1 (e.g., also see FIG. 1 of the present application), Hayes teaches "setting the remote control to transmit future commands from the command set including the last transmitted effects observable command having the observed desired effect." (See, Hayes, the Abstract). In other words, the full set of functions of only one of the command sets is selected.

The same argument is presented in the Reply to the Office Action dated May 18, 2009. The following was presented then in a paragraph spanning pages 8 and 9 of that Reply:

While it is true that Hayes provides "[a] method for selecting a command set from a group of command sets stored in the remote control", however, Hayes, like other prior system, merely provides that (emphasis added) "the remote control setting the remote control to transmit future commands from the command set." (See, Hayes, abstract.) In other words, like other prior systems, Hayes merely provides for selecting one of the available command sets to control a device.

The Examiner has failed to appreciate the full weight of the above argument and the implications of FIG. 1 of the present application and its description. In response, the Office Action references col. 2, lines 49-53 of Hayes, which states (emphasis added):

The user then terminates the selection procedure with the remote control setting the active command set to the command set from which the successful effects observable command was assigned.

The underscored text is exactly the Applicant's point that in Hayes, the active command set (or the chosen code set as in claim 1 of the present application) is set to the one successful command set, not to functions selected from various preset code sets as substantially recited in claim 1.

The Office Action on page 2 also references col. 4 lines 54-55 of Hayes, however, it is respectfully submitted that this section does not address the Applicant's argument nor the clam recitations.

The claims are amended herein to clarify that which is recited.

Therefore, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Hayes and Schein. For example, Hayes and Schein do not teach, disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "a chosen code set having a plurality of cells, each cell being capable of including at least one function for controlling at least one consumer device; ... a plurality of preset code sets, each having a plurality of functions for controlling at least one consumer device and including one or more functions provided by a third party; a selector for selecting functions from the preset code sets

appropriate for controlling the one or more consumer devices; and an activator configured for creation of one or more links between at least one of the selected functions of the plurality of preset code sets and cells of the chosen code set assigned to an object key" as recited in claim 1, and as similarly recited in claims 10 and 16. Hayes in contrast merely enables selection of one of the provided code sets as discussed above, not to functions selected from various preset code sets.

Schein, Lin, and Frank are introduced for allegedly showing other elements of the claims and as such, do nothing to cure the deficiencies in Hayes.

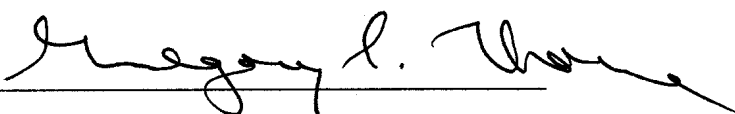
Based on the foregoing, the Applicant respectfully submits that independent claims 1, 10, and 16 are patentable over Hayes in view of Schein and notice to this effect is earnestly solicited. Claims 2-9, 11-15, 17-18, and 21-22 respectively depend from one of claims 1, 10, and 16 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Amendment in Reply to Final Office Action of September 1, 2009

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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